



AGENDA
STAYTON CITY COUNCIL
Monday, October 5, 2020
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

TELECONFERENCE MEETING

City officials request all citizens that are able, to view the live stream on the City of Stayton's YouTube account to view the meeting from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure.

Please use the following option to view the meeting:

- Live Stream on the City of Stayton YouTube – <https://youtu.be/HQHPOh9cWaQ>

To maintain compliance with public meeting laws, a limited number of chairs will be provided in the building for citizens to listen to the meeting; however, social distancing is essential in reducing the spread of COVID-19 and no more than 10 people total will be allowed in the building at one time. City officials strongly encourage all citizens to utilize YouTube to view the Council meeting rather than attending in person. If you plan to attend in-person, please notify City staff at cityofstayton@ci.stayton.or.us.

Public comment will be accepted as follows:

- **Public Comment on Items not on the Agenda:** Meetings shall not allow for general public comments. All parties interested in providing general public comments will have the opportunity to do so in written form, outside of a meeting by sending an email to cityofstayton@ci.stayton.or.us.
 - **Video or Audio Conference Call:** Parties interested in providing verbal comment shall contact City staff at cityofstayton@ci.stayton.or.us at least three hours prior to the meeting start time with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment.
- **Public Comments on Action Items:** There will be no verbal public comment on action items. All parties interested in providing public comments on action items may do so in written form. Written comments should be submitted to cityofstayton@ci.stayton.or.us. Comments received at least two hours prior to the meeting start time will be provided to the City Council in advance of the meeting.

CALL TO ORDER

7:00 PM

PUBLIC COMMENT

CONSENT AGENDA

a. September 21, 2020 City Council Minutes

PUBLIC HEARING – None

GENERAL BUSINESS

City Protect

INFORMATIONAL

- a. Verbal Staff Report – Chief David Frisendahl
- b. Council Discussion

Revised Temporary COVID-19 Public Meeting Procedures

ACTION

- a. Staff Report – City Staff
- b. Council Discussion
- c. Council Decision

Manufactured Dwelling Park Regulation and Protection

ACTION

Staff Report – Dan Fleishman

- a. Council Discussion
- b. Council Decision

Housing Affordability

ACTION

- a. Staff Report – Dan Fleishman
- b. Council Discussion
- c. Council Decision

ADJOURN

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Administrative Services Manager Alissa Angelo at (503) 769-3425.

CALENDAR OF EVENTS

OCTOBER 2020

Monday	October 5	City Council	7:00 p.m.	https://youtu.be/HQHPOh9cWaQ
Tuesday	October 6	Parks & Recreation Board	6:00 p.m.	https://youtu.be/tki4kTJs_0w
Tuesday	October 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 19	City Council	7:00 p.m.	https://youtu.be/fmS6t5FhivA
Wednesday	October 21	Library Board	<i>Cancelled</i>	
Monday	October 26	Planning Commission	7:00 p.m.	https://youtu.be/1XkumTok-w

NOVEMBER 2020

Monday	November 2	City Council	7:00 p.m.	https://youtu.be/GIW6YkJbnbQ
Tuesday	November 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	November 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	November 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Monday	November 16	City Council	7:00 p.m.	https://youtu.be/Widf0VF0ad4
Wednesday	November 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November 26	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY		
Friday	November 27			
Monday	November 30	Planning Commission	7:00 p.m.	https://youtu.be/0zifc1SYEFU

DECEMBER 2020

Tuesday	December 1	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 7	City Council	7:00 p.m.	https://youtu.be/TAnHd3kskuc
Tuesday	December 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	December 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 21	City Council	7:00 p.m.	https://youtu.be/t6ooHQ9Sbuc
Thursday	December 24	CITY OFFICES CLOSE AT NOON IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Friday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS HOLIDAY		
Monday	December 28	Planning Commission	7:00 p.m.	https://youtu.be/uPYSgXUOs8g

**City of Stayton
City Council Minutes
September 21, 2020**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON Time Start: 7:08 P.M.	Time End: 8:36 P.M.
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COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter (via Zoom)	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook (via Zoom)	Keith Campbell, City Manager
Councilor Ben McDonald (via Zoom)	Dan Fleishman, Director of Planning & Development (via Zoom)
Councilor Christopher Molin (via Zoom)	David Frisendahl, Police Chief
Councilor Jordan Ohrt (via Zoom)	Lance Ludwick, Public Works Director (via Zoom)
Councilor David Patty (via Zoom)	Janna Moser, Library Director (via Zoom)
	Susannah Sbragia, Finance Director (via Zoom)

AGENDA	ACTIONS
TELECONFERENCE MEETING	
Consent Agenda a. August 17, 2020 City Council Minutes	Motion from Councilor Molin, seconded by Councilor McDonald, to approve the consent agenda as presented. Motion passed 4:0 (Patty abstained).
Public Hearing	None.
General Business Beachie Creek Fire Update a. Staff Report – Chief David Frisendahl b. Council Discussion	Police Chief Frisendahl provided a briefing on the City of Stayton’s response to the recent Beachie Creek Fire emergency. Council and staff discussion.
Revised Temporary COVID-19 Public Meeting Procedures a. Staff Report – City Staff b. Council Discussion c. Council Decision	Ms. Angelo reviewed the staff report. Council discussion of items possibly left out of draft rules. Staff responded. Council consensus to delay a decision until the next meeting and asked staff to view the discussion from the last meeting.
Oregon Water Resources Department Water Project Feasibility Study Grant Agreement a. Staff Report – Lance Ludwick b. Council Discussion	Mr. Ludwick reviewed the staff report. Council discussion of project and grant agreement.

<p>c. Council Decision</p> <p>Policy on Naming of City Parks, Amenities, Public Facilities, and Designation of Memorials</p> <p>a. Staff Report – Keith Campbell</p> <p>b. Council Discussion</p> <p>c. Council Decision</p>	<p>Motion from Councilor Ohrt, seconded by Councilor Patty, to direct staff to sign the OWRD Water Project Feasibility Study Grant Award Agreement and proceed with the Secondary Water Source Feasibility Project. Motion passed 5:0.</p> <p>Mr. Campbell reviewed the staff report.</p> <p>Council thanked staff for putting this policy together.</p> <p>Motion from Councilor Hook, seconded by Councilor McDonald, to approve Resolution No. 1013, as presented. Motion passed 5:0.</p>
<p>Communications from Mayor and Councilors</p>	<p>Councilor Ohrt inquired about resuming Parks and Recreation Board and Library Board meetings. Staff responded.</p> <p>Councilor Hook inquired about use of computers at the Library and showers at the Pool facility. Staff responded.</p> <p>Councilor Patty inquired about the status of the Public Safety Commission. Chief Frisendahl responded.</p> <p>Councilor Patty recently met with the Chamber of Commerce. He requested staff schedule the Chamber for a presentation to the Council.</p> <p>Councilor Ohrt thanked City staff and members of the Santiam Canyon community for their support during the Beachie Creek Fire emergency. Mr. Campbell added that the City hopes to continue to partner and assist the communities in the Santiam Canyon.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF OCTOBER 2020, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Manager

Date: _____

Transcribed by: _____
Alissa Angelo, Administrative Services Manager



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: City Staff
DATE: October 5, 2020
SUBJECT: Revised Temporary COVID-19 Public Meeting Procedures

ISSUE

Shall the Governing Body adopt revised Temporary COVID-19 Public Meeting Procedures?

ENCLOSURE(S)

- Verbatim Transcription from Temporary COVID-19 August 17th Council Meeting
- Revised Temporary COVID-19 Public Meeting Procedures

BACKGROUND INFORMATION

On April 6, 2020, the Temporary COVID-19 Public Meeting Procedures were adopted by the City Council. These guidelines were drafted, and strongly encouraged to be adopted, by the City's Legal Counsel, and were modeled from neighboring communities. As we continue navigating the ever-changing landscape of COVID-19, it's become clear remote meetings will need to continue for the near future.

At the August 3, 2020 Council meeting, there was a request by Council to update the rules to include verbal public comment. Additionally, in staff's review of the rules, changes have been suggested including expanding business on the agenda to include presentations and non-action items.

During the August 17 meeting, the Council adopted a partial revision to the Temporary COVID-19 Public Meeting Procedures and requested staff make further modifications based off discussion.

On September 21, 2020, the Council chose to delay a decision on the revised rules due to a Council member feeling items had been left out of the draft rules based on discussion at the previous meeting. Staff has reviewed the meeting footage and verbatim transcript which is included as part of the information packet for this agenda. At the August 17th meeting, the following ideas were suggested:

- *Reading written public comment out loud* – In review, this was suggested but no consensus from the Council.
- *Accept comments following the meeting and post all comments to the public body's webpage* – No clear consensus. Currently, public comment via email is always welcomed and when received, will be shared with the Council. However, language has been added to the document specifying public comment received at least three hours prior to the public body's meeting will be posted to the website.
- *Possibility of a community member submitting a pre-recorded video for public comment* – No consensus from Council.
- *Confusion on language of Section 2 "Public Observation," Section 4 "Public Body Participation," and Section 6.b Public Comment regarding notice to City staff* – Language was added to Section 2 "Public Observation" requiring members of the public to provide City staff three hour notice if they planned to attend in person. All timing throughout the document has been modified from two hours to three hours to stay consistent. Section 4 "Public Body Participation" is referring specifically to members of the City Council, Planning Commission, etc., not members of the general public.
- *Limiting in person public comment and how many members of the public may attend a meeting in-person* – City staff has been adhering to social distancing guidelines put into place by Oregon's Governor. Currently, attendance is limited to 10 people based on meeting space and these guidelines. The temporary procedures were updated in the September 21st draft to remove in-person public participation. Additional language has been added to the most current draft under Public Comment and Public Hearing Items to address community members who may have a potential barrier that prevents them from participating via written, video, or audio conference calling.
- *Translation of rules and Council Agendas using Google Translate or Microsoft Office Translate* – A Council member suggested including a section in the Temporary Procedures regarding translation of documents, including the Temporary Procedures and Council Agendas. There was not a clear consensus from the Council on this matter. Staff has attended multiple DEI (Diversity, Equity, and Inclusion) trainings and spoken with our representative from City-County Insurance Services (CIS) regarding using Google Translate or similar to translate City documents. These resources all make it clear that a City should never use Google Translate or similar for translations of materials. Cities are specifically advised not to rely on online-translation services for public documents. It is critical to hire a translation service because cities need to be sure translations are appropriate, written in a conversational linguistic form that is easy to understand, free of communication misadventures, and culturally safe. A document that is translated poorly, or with information that is not easy to understand can do significant harm in the intent and purpose of translating materials.

The item before the City Council is by definition temporary. If the City Council wants to pursue translation of materials, the City should consider hiring a professional translator to provide translations services for the City. The policy should also include what materials will be translated, and how the materials are distributed. This is likely a larger policy discussion that will include discussion of costs and expectations.

MOTION(S)

- 1) Motion to approve the revised Temporary COVID-19 Public Meeting Procedures as presented.
- 2) Motion to approve the revised Temporary COVID-19 Public Meeting Procedures as amended.

CITY OF STAYTON
City Council Minutes
Monday, August 17, 2020
Verbatim Excerpt

7:02 pm
Stayton Community Center

City Council Meeting
400 W. Virginia St., Stayton, OR

Call to Order – Roll Call

Present: Mayor Henry Porter, Councilor Paige Hook, Councilor Ben McDonald, Councilor Christopher Molin, Councilor Jordan Ohrt

Staff Present: Alissa Angelo, Keith Campbell, Dan Fleishman, David Frisendahl, Lance Ludwick, Janna Moser, Susannah Sbragia

REVISED TEMPORARY COVID-19 PUBLIC MEETING PROCEDURES

- a. Staff Report – City Staff

[\[Audio portion begins 29:35\]](#)

Mayor Porter: The next action item, the Revised Temporary COVID-19 Public Meeting Procedures.

Ms. Angelo: Good evening, Mayor and Council. So, before you, you have Revised Temporary Public Meeting Procedures for COVID-19. At the last council meeting, you had expressed that you were interested in seeing some updates, specifically regarding public comment, so we sat down and did some review, and before you, you have a proposed draft, and I'm happy to take questions.

Councilor Hook: Alissa, thank you so much for putting this together, first off. You know, public comment is really important, and I'm a strong advocate for Stayton being a leader in robust inclusion of public comment. One of the things when I was looking up this that I have a concern over is, I feel like we've kind of done a disservice to residents and partners and stakeholders by not reading aloud written testimony that we've received, and so I'd really like for us to be able to read the testimony aloud in its entirety going forward. Is there a way we can put that in there?

Ms. Angelo: I don't see why it couldn't be. I would caution you, I have heard—I guess if you're talking about general public comment or public hearing testimony or both? Let me start there by asking that.

Councilor Hook: I think that's a really good thing to clarify, because I know that some of those things can be lots and lots of pages, so perhaps we could have a cutoff of a word count; maybe something that would be equal to three minutes of public testimony, so if it's over that then it wouldn't be read aloud.

Ms. Angelo: Okay. I don't know how I would come to figuring out what that would be. I have heard of a situation in another community here in Oregon where they spent two hours reading

all the public comment they received out loud, and so it's—

Councilor Hook: Maybe like one page in twelve-font, single-spaced, so they can't just cram it all in in eight-font and then we have to read the teeny, tiny words. But it would be nice to hear it, and then if it goes over that one page, then we just won't read it at all. We're not going to read partial public comment because then you lose context. So if that's possible, I know that it would probably help people. And then I was also curious if, when it's reasonably possible, if we could keep our public comment open for additional written testimony to be submitted for the Council to review on issues. That's probably not available for hearings, because we usually vote on that kind of stuff, but if there's just a general informational type thing, or if people just want to comment like they normally could in meetings before when they were in-person, that they could submit it written, I think that that would be good because at least then we'd be getting feedback from the community and it would be stuff that could be posted to the website as additional public comment received, but not necessarily then read aloud [post](#) the meeting. [\[33:34\]](#)

Ms. Angelo: So—okay. So what you're saying, I just want to clarify. So what you're saying is, if we receive comment outside of that window before the meeting, that we would just go ahead and post that on the website, also?

Councilor Hook: Right. Yeah, and not read that aloud at the next meeting or anything, just that it would be available for people.

Councilor Ohrt: Mr. Mayor?

Mayor Porter: Yes.

Councilor Ohrt: I'd like to echo Councilor Hook's points that public comment is really important to me. I think, in order to do our jobs well, hearing from the people that we represent is really important. I appreciate you putting in the ability for people to video or audio conference call in. Thank you for that, Alissa. My thoughts on the written testimony is, if it can be—I liked what Councilor Hook said about having it available on the website as public comment for people to review, so the community can get a context of what we have received as written testimony and then also how that attributes to how we make our decisions. I don't necessarily think that it needs to be read into the record if we are giving people the opportunity to either call in or do a video, because at that point then they're able to do that as well. And then a question for you: is it possible, if people want to submit either a video or a recording? That way, if they are not able to call in at a certain time, we can listen to it if they want their voices to be heard, as opposed to written?

Ms. Angelo: Potentially, yes. I'm just going through my head of what, maybe, we have options of and potentially, if they submitted a video, we can share—I can share my screen and play the video, possibly. There are some technology things there I'd have to probably—

Councilor Ohrt: That just came into my head right as I was saying it. And then it would have to fit into that three-minute window, [like, it wouldn't \[inaudible\] drawn on or something.](#) [\[36:00\]](#)

Councilor Hook: Mr. Mayor?

Ms. Angelo: I wouldn't rule it out.

Mayor Porter: Go ahead, somebody.

Councilor Hook: Yeah, it's Councilor Hook. So, I love that idea. I'm a little worried about any precedent that we might be setting by allowing people to submit video instead of doing it in real time. I also worry about, if we don't read the testimony aloud, we put in this document that we strongly suggest people do written testimony, so I can see that people would probably want to come and be on the phone if their testimony's not going to be read aloud for everyone to hear, so I just . . . I'm not saying that one way is better than the other, just to think about that, that we may have more people wanting to join because we're not reading the testimony aloud and they don't feel like they're getting their voice heard in the same way.

Mayor Porter: Well, what's the best way to do this?

Councilor Molin: Mr. Mayor?

Mayor Porter: Yes.

Councilor Molin: So yeah, I agree with a lot of the stuff that I'm hearing. I love the idea of getting public comment back into the format. I worry about overcomplicating it. I think that if we start making it really complicated, people won't necessarily know what path to follow, so I like the idea of simplifying it to where you have written testimony that gets entered into the record, or somebody wants to come call in or whatever format to get in to where they can actually articulate in person or over the network, their public testimony. I think having those two streams makes it really simple, makes it easy, and then we'll be a little more inviting than, you know, if you're going to submit it, it has to be one page and under three minutes, and then they might have to try to practice it or whatever. I think that we might be getting into a little bit of a mess there.

Mayor Porter: Thank you. Other thoughts and comments on this one?

Councilor Ohrt: Mr. Mayor?

Mayor Porter: Yes.

Councilor Ohrt: Councilor Molin, I see your point of making it a little daunting and a little more stressful on staff, too, so I would agree. I like the way that this is written, Alissa, thank you.

Councilor Hook: Mr. Mayor, I just have one housekeeping-type comment on the paper.

Mayor Porter: Okay.

Councilor Hook: So, I was reading through and it seemed a little confusing or contradictory in the Public Observation section versus the Public Body Participation and the agenda updates in Public Participation. It doesn't quite explain in the same way for Observation that you need to let City staff know, like it does in the other two sections, and I'm thinking that we probably need people to know that even if you're not going to speak, that you probably need to let people

know that you plan to attend in person so we don't get too many people down at the Community Center. And then with that, I'm wondering, do we need to set a limit in this paper of how many people will be allowed, and should we reserve some spaces for those that struggle with accessibility, whether that's a physical disability or a financial barrier of accessing equipment?

Councilor Molin: Mr. Mayor, I want to kind of add to what Councilor Hook is saying there, because one of the things I've noticed that a lot of places that are allowing people in, and if we get into a real content-heavy, where people are going to want to show up, you know, you might need somebody at the door that's actually counting heads, like if we only allow ten people or we only allow fifteen people, somebody that almost acts as a—I don't want to use the word "bouncer", but somebody that's kind of managing who's coming in and that we're keeping six-foot social distancing, that they have masks and all that kind of stuff. You need someone there to kind of manage that at the door.

Mayor Porter: This is probably a step backwards, but Alissa, how difficult would it be if we had people there in this Community Center to put them in front of the camera for their three-minute spiel?

Ms. Angelo: We actually had this discussion and what would we do if we were to have someone show up? And that's part of the reason why, you'll see in there that we expanded the notification time to three hours before the meeting, because we're going to have to set up a separate computer for them to—basically, what we were talking about was putting a computer on the podium that they can speak into, and then if we have people in between, like if we have multiple people, we would need to have somebody who can wipe down and sanitize the space. And ensuring that—I mean, right now, if you were in this room, there are chairs set up and they're all six feet apart, and we've been having discussions of how could we set up the Community Center to handle more people if we were to go back to in-person meetings, or just having people come to the meetings to speak.

Mayor Porter: Yeah, I [thought it would be—yeah, I'm making it more difficult. \[41:51\]](#)

City Manager Campbell: I think what Alissa's talking about, and I have a crude drawing in City Hall, but we've been talking about, even when we do go back to normal times, to really re-look at how we use this space and to make it more accessible and to have more room, so we're going to be looking at how to reconfigure this room and to have it—And, to begin with, if we're going to do anything in person, just so we have more easy access in and out, and more space to have people in here, but I think even going forward, looking at a way that we could set the Council Chambers to be more open, more inviting, and not have situations where we did have meetings where we're trying to open up walls and set up seats, so we can just have it, you know, whenever we get back to pre-COVID, where we can have plenty of room for people to be here. And then also, it would not be as distracting if people come and go as agenda items happen, right? We had some ideas and I think we're going to look at how to do that and how to make it happen, so these are all discussions we're having going forward. But in our current space, and the way we had our Council Chambers set up, when you start getting into the six feet space, and staff here, it became really constricting on the number of people we could have here, so I think we're going to have to look at the whole Community Center and try to make adjustments, and that's the conversations we've been having as well.

Mayor Porter: And just a question to the group: can we do anything with this tonight? Is this something that—?

Councilor Molin: Well, Mr. Mayor, one more thing I just kind of thought about, you know, I think there are those in the community that don't necessarily agree that wearing a mask is necessary, even as far as those who might say that the entire pandemic might be a hoax, and what I'd be concerned about with opening up the window where people can come in and do testimony, is if they communicate with you three hours in advance, they show up, they're not wearing a mask, and we say "you're not allowed in without a mask," are we then getting into some political issues of not allowing public testimony? Because it just seems like we might be opening a little bit of a Pandora's Box now that I'm thinking about this a little bit more. It seems to me that everybody has a phone, and so if we're allowing audio phone calls to come in for public testimony, maybe that's the safest. And then on top of that, the sanitization of the microphone and all of that, I wonder—I'm not saying we don't, but maybe we don't have that in there where people can come down in person yet, at this point.

Councilor Hook: Mr. Mayor?

Mayor Porter: Yes.

Councilor Hook: I somewhat agree with Councilor Molin here. I think that it could be opening up for issues and possibly put the staff in an unsafe position. I would, like, make sure that if we do pull away from in-person testimony, that we still leave it open for anyone that expresses that they have a financial barrier to equipment to join, whether that's by phone or video or if they have a physical disability that makes it very hard for them to use that type of equipment. And some people just don't understand how to use technology because they just don't access it often, or they're not able to access it. And with that, I was hoping that we could provide a portion in this document that talks about if they need some type of translation service that they need to give advance notice. I don't think I saw that in there, but I think that we definitely need to still reach out for any type of translation services that are needed, whether that's Spanish or American Sign Language. And I'd really like to see these instructions go out in Spanish and our agenda still be in Spanish. I've brought this up before, because our Latinx community in Stayton is over fifteen percent, and I really want them to—you know, they're already disproportionately affected by COVID-19. The data shows that, and I want to make sure that we are including them in the language that they understand. I know that Microsoft Office, Google Translate, will translate documents and it does a pretty good job. The Oregon State Capitol uses it in their administration as a good enough way to translate, and I think that right now that it's COVID-19, it would probably be better than nothing at all.

Mayor Porter: All right. Thank you. Again, what can, what should we do with this tonight? What do you folks want to do?

Councilor Molin: Mr. Mayor, it almost sounds like maybe we need a third option, which is to take some of this input—I hate to do this—but add some of this language, because I know we've got it in there where we can say, "do the following with the following amendments," but it sounds like we have a lot of different amendments that we want to capture, so maybe the Council members would like to see another draft of this with some of the input. I don't know.

Councilor Ohrt: Mr. Mayor?

Mayor Porter: Just a minute, please. Does the telephone input seem like the easiest, the simplest way to get some input into these meetings from the community [without the young person](#) and the extra technology? Let's see what that does. Go ahead. [\[48:10\]](#)

Ms. Angelo: So, just to answer that, with the phone and the video, what we would do is provide the community member with—Zoom has phone numbers that you can call in on, and so we can admit them from the waiting room, let them do their three minutes, and then we would move them back into the waiting room or disconnect them in order to keep this still closed down and kind of a secure format for us. It would be the same thing for the video as well.

Mayor Porter: Thank you. Councilor Hook, you wanted to jump in there.

Councilor Ohrt: Councilor Ohrt, Mr. Mayor.

Mayor Porter: Of course, I'm sorry. Go ahead.

Councilor Ohrt: I like the video and audio conference calls, I think that is a fair alternative to what we've been doing, and it allows people to have those options. And, I would agree saving the in-person participation—I'd like to maybe see that—so, we were allowing people to come in person, but I would say reserving that in-person participation because of technical difficulties and whatnot for those that have a reason why they can't call in or audio in or have a disability of some sort. I think reserving it just for those people to kind of cut down on that, because everyone else has that option, so if you do have a community member that just—they don't have that as an option, then coming down in person and then adhering to that I think would be our best option.

Councilor Hook: Mr. Mayor?

Mayor Porter: Yes, go ahead.

Councilor Hook: I think that, personally, I would like to see us get something in place tonight that at least allows for the phone and video, and then still come back the next meeting with a new draft that incorporates some of the other feedback. I don't think that we have to have a perfect document to open up public comment for the very next meeting, and then just knowing that we do need to incorporate more of this stuff in a second draft. That's, at least, what I would like to see so that we can at least actually make some type of a decision tonight, and then still improve the policy for future meetings.

Mayor Porter: All right. Let's go ahead with a motion then. Someone jump in on something here.

Councilor Ohrt: I would agree with that. Okay. I'd like to make a motion that we add in to the Public Hearing Items Number Two—I don't know if I'm doing this right—and not change the rest of the document unless it states—oh goodness. Okay. I'm going to rescind that. I make a motion that we add in to these Temporary Rules the video or audio conference call option tonight and

approve that, and then we come back and maybe even have a work session or whatnot and hash out the rest of it.

Mayor Porter: Okay. So I've got a motion to approve the Revised COVID-19 Public Meeting Procedures as amended by adding audio and video participation by the public. Is that pretty close to what you wanted? Oh, with further work in the near future.

Councilor Ohrt: Yes.

Councilor Molin: Mr. Mayor, before we second, can I get a point of clarification? So, on that motion, are we saying that we're leaving out Item 6.b.iii, which is the participate in person? We're saying leave that entire paragraph off at this point?

Councilor Ohrt: I think—for this motion, yes.

Councilor Molin: Okay, thank you.

Councilor Ohrt: I think that needs a little bit more hashing out.

Councilor Molin: Thank you. Then I will second.

Mayor Porter: Okay. I've got a motion and a second to approve the Revised COVID-19 Public Meeting Procedures as amended. Alissa, you've got those changes written down?

Ms. Angelo: I do. I wanted to point out that also, what was updated under the Public Hearing was also allowing the in-person video and audio, so if there's a public hearing, they would be able to come in still.

Mayor Porter: Okay. Is that all right with—is that where the group wants to be on that?

Councilor Hook: Mr. Mayor?

Mayor Porter: Yes.

Councilor Hook: I think that was really my only point of discussion that I wanted to have, was to make sure that this made sense to Alissa, that she had clear instruction and that the motion was inclusive enough that there weren't little parts that needed to actually be added in there, and if so, maybe we could get some guidance on how to amend that motion to have it make sense for her to create the document.

Mayor Porter: Okay. I guess that question or comment was directed at you, Alissa. Are you okay with that? Do you understand where Councilor Hook was going with that?

Ms. Angelo: Yes, I do, and I just—I want to make sure, I guess, for me, I just want to make sure that, because there were changes—there's a Public Comment section, and then there's the Public Hearing section, and so I just want to make sure that we are—I know right now, we're talking about the Public Comment section only, is what I'm hearing in the motion.

Councilor Ohrt: Alissa, for clarification, are you looking at c.iii?

Ms. Angelo: Yes.

Councilor Ohrt: It says “participate in the meeting via video or conference.” So, if we don’t change that, it still says you have access—you access a phone to call into the meeting via conference call line. So, if we do not change that for a public hearing, you still have the option to call in.

Ms. Angelo: Yes. Okay.

Councilor Ohrt: Is that correct?

Ms. Angelo: I think so. I’ll have to look.

Councilor Hook: Mr. Mayor?

Mayor Porter: Mostly this is providing audio and video input into our meetings, into these virtual meetings.

Councilor Hook: Mr. Mayor?

Mayor Porter: Yes.

Councilor Hook: Councilor Ohrt, I just want to make sure that, if I am understanding right, your motion that is including b.ii and c.ii; that we would include those changes so it encompasses all of the video and conference call portion, but no changes to really anything else in regards to in-person participation?

Councilor Ohrt: Yes. Because for a public hearing, we already have the option right now that people can call in. So it’s already there in the Public Hearing section that people can call in. So yes, b.ii and c.ii are what I would like to be added at this time.

Ms. Angelo: And then all other changes . . .

Councilor Ohrt: We can talk about.

Ms. Angelo: Okay.

Councilor Ohrt: I mean, keeping—with the understanding that this is still a living document at this point, to make these changes to accommodate the video and audio.

Ms. Angelo: And then we’ll bring it back at, say, next meeting.

Mayor Porter: Anything else on this motion? Any discussion? Any more discussion?

Councilor Ohrt: I just want to, just real quick, Mr. Mayor, to just advocate for this, and I think I would like to see this happen at this meeting so that we can—so that we don’t delay hearing

from our citizens any longer. Again, obviously, we have the written testimony portion of it, but I really feel like something's lost when we don't hear the voices of our community, and I would really like to have this put into play [\[inaudible 57:55\]](#).

Mayor Porter: Something's been lost in this whole last six months in these meetings, we know that. This has not been a happy time for anyone, certainly not for us. Let's go to a vote then on this if you folks are done with the discussion. Alissa, would you poll the Council please?

Ms. Angelo: Sure. Councilor McDonald?

Councilor McDonald: Yes.

Ms. Angelo: Councilor Ohrt?

Councilor Ohrt: Yes.

Ms. Angelo: Councilor Hook?

Councilor Hook: Yes.

Ms. Angelo: Councilor Molin?

Councilor Molin: Yes.

Ms. Angelo: Okay. Motion passes four to zero.

[\[Audio portion ends 58:30\]](#)

Respectfully Submitted by,

ABC Transcription Services, LLC.



Temporary COVID-19 Public Meeting Procedures

Given executive orders from Governor Brown concerning COVID-19 and social spacing requirements, the City of Stayton has established temporary updated procedures for public meetings in order to protect our volunteers, public, and staff.

The new updated public meeting procedures, as outlined below, shall become effective when approved by the governing body, and shall remain in effect until action to discontinue use is completed by each public body. Where applicable, these procedures shall supersede any prior meeting procedures including the Stayton City Council Rules.

COVID-19 Public Meeting Procedures

When possible, only City meetings that are deemed mandatory based on timelines established in state law, the City of Stayton Charter, or City of Stayton ordinance shall be held. ~~All other meetings or agenda items shall be postponed.~~

In order to comply with social spacing recommendations, the public will be encouraged not to attend public meetings in person, and in particular to stay home if they are sick or showing symptoms. In order to continue to provide an opportunity for public viewing / participation, all public meetings required to be held shall conform to the following updated requirements.

1. **Live Streaming:** All mandatory City meetings shall be streamed live on the City of Stayton's YouTube channel through a link available on the City's website. For access to this link, visit the City of Stayton's [Calendar of City Meetings and Events](#) page on our website.
2. **Public Observation:** Although it is **strongly encouraged that people not attend the meeting in person** the opportunity will exist to observe the meeting at a designated location. However, to protect the safety and ensure social spacing, limits to audience members will be implemented. Please note that in person meeting attendance will be subject to applicable regulations in place at the time of the meeting and are subject to change. Parties interested in attending the meeting in-person shall contact City staff at least three hours prior to the meeting start time.
3. **Meeting Materials:** All meeting materials shall be provided to the public in advance of the meeting via the following schedule:
 - a. The agenda and majority of meeting materials, including presentation materials, will be posted on the City's website, as well as distributed to members of the public body and the public at least 3 days in advance of the meeting date through the City's email distribution list. To subscribe to the email distribution list, visit the

City's website at http://www.staytonoregon.gov/page/resources_email_list. Printed copies of materials may also be requested in advance of the meeting.

- b. Any additional materials received after the initial meeting materials are distributed, including any written public comments received, shall be distributed to members of the public body one hour prior to the meeting's start time, and shall be posted on the Agendas and Minutes webpage for the corresponding public body it was sent to (i.e. City Council, Planning Commission, etc.).
 - c. Any additional materials to be distributed after this time shall be verbally identified, placed into the record, and distributed to the public body at the meeting, as technology and circumstances allow.
4. **Public Body Participation:** All members of the public body shall participate in the meeting through live streaming and conference call or other teleconference tools, unless they can show reason why they cannot meaningfully participate in this manner. Members of the public body that do not wish to participate in the meeting through virtual means shall request the ability to participate in the meeting in person in consultation with the public body's presiding officer and the Administrative Services Manager. To ensure the meeting is understandable, during the meeting, all speakers shall identify themselves prior to speaking, and shall do so prior to making or seconding motions. In addition, all votes shall occur via roll call vote.
5. **Meeting Management:** Meeting management tasks, including identifying speakers, clarifying decisions, and managing conference call / video conferencing lines shall be delegated to the City Manager or other applicable staff.
6. **Agenda Updates & Public Participation:**
- a. **General Agenda Notes:** All agendas shall be updated to delineate the new public meeting procedures in this policy and shall note that members of the public shall not attend meetings if they are sick or presenting symptoms.

~~**Presentations, Proclamations, & Ceremonial Items:** The public meeting shall not include any presentations, proclamations, or ceremonial items. Such items shall be cancelled, postponed, or presented in a manner separate from the public meeting.~~

~~**b. Public Comment on Items not on the Agenda:** Meetings shall not allow for general in-person public comments. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff no less than three hours prior to the meeting start time to make arrangements to participate.~~

~~All parties interested in providing general public comments at the beginning of the meeting shall participate using one of the following methods: –will have the opportunity to do so in written form, outside of a meeting, in the manner dictated for each individual public body.~~

- i. **Video or Audio Conference Call:** Parties interested in providing verbal comment shall contact City staff at least three hours prior to the meeting start time with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment.

~~h.~~ii. **Written Comment:** It is strongly encouraged that interested parties provide testimony in writing prior to the meeting and abstain from attending the meeting in person. Written comment submitted at least three hours prior to the meeting start time will be provided to the public body in advance of the meeting and added to the public body's webpage where agenda packets are posted. Comment can be provided in the manner dictated for each individual public body. Written public comment will be posted to the public body's

~~b-c.~~**Public Hearing Items:** Public hearings shall only be held if required by state law, the City of Stayton Charter, or City of Stayton Municipal Code. Should a public hearing be required, the following methods for public comment shall be adhered to:

- i. **Written Testimony:** It is **strongly encouraged that interested parties provide testimony in writing** prior to the meeting and abstain from attending the meeting in person. Written testimony submitted at least ~~two~~ **three** hours prior to the meeting start time will be provided to the public body in advance of the meeting and added to the public body's webpage where agenda packets are posted. Testimony can be provided in the manner dictated for each individual public body.

- ii. **Video or Audio Conference Call:** Parties interested in providing verbal testimony shall contact City staff at least three hours prior to the meeting start time with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment. Should it be necessary to provide verbal testimony, it is recommended that interested parties participate via an established City conference call line. Parties interested in participating in this manner shall contact the Administrative Services Manager at least two hours prior to the meeting start time with their name, address, and phone number they will be calling from.

- iii. **Participate in Person:** ~~Although it is strongly encouraged that people not attend the meeting in person, the opportunity will still exist to participate in the meeting at a designated meeting location. The method of this participation may include in person public testimony, access to a phone to call into meeting via a conference call line, or other available public testimony method as allowed by the Oregon State Public Meetings law. Please note that in person meeting attendance will be subject to~~

~~applicable regulations in place at the time of the meeting and are subject to change.~~

~~If a community member has a barrier which prevents them from participating via one of the methods above, they should contact City staff no less than three hours prior to the meeting start time to make arrangements to participate.~~

~~e.~~ **Action Items:**

- i. **Consent Agenda:** In order to expedite business, mandatory public meetings shall establish a consent agenda for action items that can be approved by a single motion and vote. Wherever possible and appropriate, as determined by the presiding officer, action items shall be moved to the consent agenda. Any item on the consent agenda may be removed for separate consideration by any member of the public body.

~~d. **Public Comments on Action Items:** Public bodies shall not provide for verbal public comments for action items. All parties interested in providing public comments on action items may do so in written form. Written comments submitted at least two hours prior to the meeting start time will be provided to the public body in advance of the meeting. Comments can be provided in the manner dictated for each individual public body.~~

~~e. **Report Items:** Report items may be included in the meeting materials for informational purposes but shall not incur a presentation. However, the public body may ask questions on report items included in materials as appropriate.~~

For questions on this policy, specific requirements for each public body, how to observe or participate in a public meeting, how to submit public comments, or other questions, please contact the City Manager, Keith Campbell at (503) 769-3425 or via email at cityofstayton@ci.stayton.or.us.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: October 5, 2020
SUBJECT: Manufactured Dwelling Park Regulation and Protection

ISSUE

Upon a motion from Councilor Hook, the City Council on March 2 requested that staff conduct some research on what other cities in Oregon have done to protect the residents of manufactured dwelling parks from closure. This staff report was prepared in April but its placement on the Council agenda delayed.

BACKGROUND INFORMATION

Manufactured dwelling parks are defined by Oregon statute as “a place where four or more manufactured dwellings are located, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.” Within Stayton’s Land Use and Development Code, they are referred to as Mobile Home Parks.

There are currently three mobile home parks in Stayton. The oldest, Stayton Motor Court, is located at 1145 W Washington St. This park contains 28 units located on 1.3 acres of land (21.5 units per acre). It is a “legacy park,” developed before there were any land use regulations or review process. Within the park there is one site-built structure. Several of the units in the park are recreational vehicles or converted motor vehicles. Of the units that would be considered as manufactured dwellings, all are single-wide and are older mobile homes – meaning those built before the federal construction standards for manufactured housing went into effect in 1976. The park is owned by Stayton Trailer Court LLC, with a Molalla mailing address. It appears from the mailing addresses of the owners of the units in the assessor’s records that three of the units in this park are rental. Two of the units are owned by a couple with the same mailing address as the park owner.

The second park in Stayton is the Oak Estates Mobile Park. This park was constructed in the mid-1970s and has 86 units on 15.5 acres of land (5.5 units per acre). There is a mix of single-wide and double-wide units in the park. The park is owned by Oak Estates MHC LLC, with a Costa Mesa, CA mailing address. It appears that as many as 13 of the units may be renter-

occupied, based on the mailing addresses of the unit owners. Four of these units are owned by an entity that shares a mailing address with the park owner.

Stayton's newest park is the Boulders, on Fern Ridge Road, constructed in the early 1990s. The park has 44 units on 9.5 acres (4.6 units per acre). The park is mostly double-wide units with a handful of single-wides. The park is owned by Boulders MHC LLC, with a Portland mailing address. All but two of the units in the park appear to be owner-occupied. There are two units for which the owner has a PO Box. It is therefore unknown whether they are owner-occupied or rented.

Together the three parks contain 156 dwellings, 4.8% of the total housing units in the City.

Nationwide, and throughout Oregon, manufactured dwelling parks are at risk of closure due to the higher value to owners through conversion to other uses. According to a July, 2019 article in *The Oregonian*, Oregon has seen 73 manufactured dwelling park closures in the past 20 years for a loss of 2,700 homes. The article also states that in the two years prior to publication another 40 parks had filed notices of intent to sell, though that does not necessarily mean closure. (<https://www.oregonlive.com/business/2019/07/one-of-oregons-biggest-stocks-of-affordable-housing-the-mobile-home-is-in-peril-despite-state-interventions.html>)

In response to this risk, the Legislature has responded with the allocation of funds to support residents of parks and to assist with the replacement of older manufactured housing units. In addition, the State has created the Manufactured Communities Resource Center within the Housing and Community Services Department to assist resolve disputes between tenants and park owners and to assist tenants cope with potential park closure.

(<https://www.oregon.gov/ohcs/Pages/manufactured-home-park-living-our-services.aspx>)

ANALYSIS

Councilor Hook expressed concern over the fate of tenants of a mobile home park should the owner choose to close the park. Manufactured dwelling parks are unique in that the tenants own their own dwelling structures, but are tenants of the property. The difficulty and expense of moving a manufactured dwelling, should the park close, frequently presents overwhelming circumstances for the residents of a park.

Recognizing this tenant-landlord relationship is different than the typical relationship in a rental apartment, the Oregon Legislature has provided additional protections to tenants in a manufactured dwelling park. ORS 90.645 through 660 address the closure of manufactured dwelling parks and provide that when a park owner wishes to close a park, tenants must be provided with one year's notice and be provided with between \$6,000 and \$10,000 depending on the size of the manufactured dwelling unless the tenant buys the space on which the manufactured dwelling is located or sells the manufactured dwelling to someone who buys the space. In addition, there are state tax credits available to owners of homes in a manufactured dwelling park that is closed. Attached is a fact sheet on manufactured dwelling park closure rules from the Oregon Housing and Community Services Department.

There are a number of Oregon cities that have crafted additional regulation and restrictions on the closure of manufactured dwelling parks, including Wilsonville, Forest Grove, and Oregon

City. However, ORS 90.660 prohibits a city from enforcing any local regulation regarding mobile home park closures or partial closures that was adopted after July 1, 2007. Therefore, Stayton is not able to enact any new protections for the residents of the City's parks. A copy of this statute is attached.

In August 2018, the City of Portland adopted an ordinance amending the city's Code to create a new zoning district. This district, the Residential Manufactured Dwelling Park (RMP) zone, allows manufactured dwellings as the only permitted use, thereby prohibiting parks from being converted to another use without going through a zone map amendment process. The city's zoning map was amended to apply the RMP zone to 57 of the 58 manufactured dwelling parks in the City of Portland. Staff has communicated with the City of Portland and learned that there have been no appeals or challenges to the City's new zone.

In 2016, a collaboration of local, state, federal and no-profit agencies produced a "local agency toolkit" for dealing with potential mobile home park closures and tenant displacement. That publication is available from staff, should any council member be interested in further reading. The toolkit recommends an eight step framework for engaging stakeholders and service providers to efficient responses, decision making, and resource utilization. These steps are:

- **Designate a Lead Agency** to do park assessment and coordinate outreach to owners, residents and services
- **Conduct an Inventory** of Parks in your community
- **Assess the Risks** associated with your Parks
- **Build a network** of engaged service providers
- **Locate/prepare organization to perform counseling services** for residents (housing counseling agency) who may need to seek alternate housing
- **Develop a plan of action** on how to address park closure
- **Get familiar with funding options** for park improvement and preservation, building alternate sites, and/or resident relocation (included in appendix to toolkit)
- **Adjust the recommended tools** and process to fit your community

The background information above constitutes the second step, but no effort has been made to connect with park owners or residents or with potential service providers. The three parks in Stayton appear to be in stable ownership. The Oaks Estates and Boulders are owned by corporations in the mobile home park business. The Stayton Trailer Court is in what could be described as "family ownership." Staff has heard of no information to indicate that any of the parks is threatened with closure.

OPTIONS

The City Council is presented with the following options.

- 1. Complete the remaining steps recommended by the Toolkit**
- 2. Initiate the process to amend the Comprehensive Plan, Land Use and Development Code, and Zoning Map to create a mobile home park zone**
- 3. Take no action**



Oregon Housing and Community Services Department

Manufactured Communities Resource Center (MCRC)

For More Information
Salem: 503.986.2145
Toll Free: 1.800.453.5511
Email: mcrweb@hcs.state.or.us

MANUFACTURED DWELLING PARK CLOSURE RULES

1) The landlord of a park may terminate a month to month or fixed term rental agreement for a manufactured dwelling park space by:

- A) Providing the tenants with a 365 day notice which shall state; at a minimum:
 - a) That the landlord is closing the park, or a portion of the park, and converting the land to a different use;
 - b) Designate the date of closure; and
 - c) Include the tax credit notice:
 - (1) Stating the eligibility requirements for the credit;
 - (2) Information on how to apply for the credit;
 - (3) Any other information required by the Office of Manufactured Dwelling Park Community Relations; and
 - (4) State that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

2) Paying the tenant for each space one of the following amounts

- A) \$5,000 if the manufactured dwelling is a single wide;
- B) \$7,000 if the manufactured dwelling is a double wide; or
- C) \$9,000 if the manufactured dwelling is a triple wide.

The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the following notice:

- (1) The tenant gives the landlord not less than 30 days' and not more than 60 days' written notice of the date within the 365-day period on which the tenant will cease tenancy, whether by relocation or abandonment of the manufactured dwelling.
- (2) The landlord is not required to pay the tenants the amounts under A, B, and C unless the tenant gives the landlord the notice as described under (1).
- (3) The landlord must pay the tenant the full amount regardless of whether the tenant relocates or abandons the manufactured dwelling.

3) If the manufactured dwelling is abandoned;

- A) The landlord may condition the payment required under 2 upon the tenant waiving any right to receive payment under ORS 90.425 (abandonment) or ORS 90.675 (ownership change).

MANUFACTURED DWELLING PARK CLOSURE RULES

- 4) **The landlord may not charge the tenant to store, sell or dispose** of the abandoned manufactured dwelling.
- 5) **The landlord may not charge a tenant any penalty, fee or unaccrued rent** for moving out of the manufactured dwelling park prior to the end of the 365 day notice period.
- 6) **A landlord may charge a tenant for rent** for any period during which the tenant occupies the space and may deduct from the payment amount required under 2 any unpaid moneys owed by the tenant to the landlord.
- 7) **The landlord may not increase the rent** for a manufactured dwelling park space after giving a notice of termination to the tenant of the space.
- 8) **The landlord is not limited by the closure notice to his right to terminate a tenancy for non payment of rent** or for other causes provided by statute.
- 9) **Closure of the park may allow the tenant to appeal the property tax assessment** on the manufactured home.
- 10) **The tenant may be eligible for a tax credit of up to \$5,000** if the tenancy in a manufactured dwelling park ended in a tax year that begins on or after January 1, 2007, and before January, 2013 To be eligible the tenant must meet all of the following requirements:
 - A) Own the manufactured home;
 - B) Rent space in a manufactured dwelling park that is closing;
 - C) Occupy the manufactured dwelling home as the principal residence;
 - D) Receive notice that the park is closing; and
 - E) Move out (and all members of the household) of the mobile home park on or after January 1, 2007 because of the park closure notice.

90.645 Closure of manufactured dwelling park; notices; payments to tenants; rules.

- (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed term rental agreement for a manufactured dwelling park space:
 - (A) By giving the tenant not less than 365 days' notice in writing before the date designated in the notice for termination; and
 - (B) By paying a tenant, for each space for which a rental agreement is terminated, one of the following amounts:
 - (i) \$6,000 if the manufactured dwelling is a single-wide dwelling;
 - (ii) \$8,000 if the manufactured dwelling is a double-wide dwelling; or
 - (iii) \$10,000 if the manufactured dwelling is a triple-wide or larger dwelling.
- (b) The Office of Manufactured Dwelling Park Community Relations of the Housing and Community Services Department shall establish by rule a process to annually recalculate the amounts described in paragraph (a) of this subsection to reflect inflation.
- (2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling park under this section as a result of converting the park to a subdivision under ORS 92.830 to 92.845, the landlord:
 - (a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in writing before the date designated in the notice for termination.
 - (b) Is not required to make a payment under subsection (1) of this section to a tenant who:
 - (A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not move the dwelling; or
 - (B) Sells the manufactured dwelling to a person who buys the space or lot.
- (3) A notice given under subsection (1) or (2) of this section shall, at a minimum:
 - (a) State that the landlord is closing the park, or a portion of the park, and converting the land or leasehold to a different use;
 - (b) Designate the date of closure; and
 - (c) Include the tax credit notice described in ORS 90.650.
- (4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant the full amount required under subsection (1) of this section regardless of whether the tenant relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the notice described in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven days after the tenant ceases to occupy the space.
- (5) Notwithstanding subsection (1) of this section:

- (a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of this section unless the tenant gives the landlord not less than 30 days' and not more than 60 days' written notice of the date within the 365-day period on which the tenant will cease tenancy, whether by relocation or abandonment of the manufactured dwelling.
- (b) If the manufactured dwelling is abandoned:
 - (A) The landlord may condition the payment required by subsection (1) of this section upon the tenant waiving any right to receive payment under ORS 90.425 or 90.675.
 - (B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling.
- (6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of the manufactured dwelling park prior to the end of the 365-day notice period.
- (b) A landlord may charge a tenant for rent for any period during which the tenant occupies the space and may deduct from the payment amount required by subsection (1) of this section any unpaid moneys owed by the tenant to the landlord.
- (7) A landlord may not increase the rent for a manufactured dwelling park space after giving a notice of termination under this section to the tenant of the space.
- (8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.
- (9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no later than 15 days after the landlord receives notice of the exercise of eminent domain or of the agency order. The notice to the tenants shall be in writing, designate the date of closure, state the reason for the closure, describe the tax credit available under section 17, chapter 906, Oregon Laws 2007, and any government relocation benefits known by the landlord to be available to the tenants and comply with any additional content requirements under ORS 90.650. [2007 c.906 §2; 2017 c.198 §1]

Note: The amendments to 90.645 by section 2a, chapter 906, Oregon Laws 2007, become operative January 1, 2020. See section 2b, chapter 906, Oregon Laws 2007, as amended by section 1, chapter 83, Oregon Laws 2011, and section 34, chapter 750, Oregon Laws 2013. The text that is operative on and after January 1, 2020, including amendments by section 2, chapter 198, Oregon Laws 2017, is set forth for the user's convenience.

90.645. (1)(a) If a manufactured dwelling park, or a portion of the park that includes the space for a manufactured dwelling, is to be closed and the land or leasehold converted to a use other than as a manufactured dwelling park, and the closure is not required by the exercise of eminent domain or by order of federal, state or local agencies, the landlord may terminate a month-to-month or fixed term rental agreement for a manufactured dwelling park space:

- (A) By giving the tenant not less than 365 days' notice in writing before the date designated in the notice for termination; and

(B) By paying a tenant, for each space for which a rental agreement is terminated, one of the following amounts:

- (i) \$6,000 if the manufactured dwelling is a single-wide dwelling;
- (ii) \$8,000 if the manufactured dwelling is a double-wide dwelling; or
- (iii) \$10,000 if the manufactured dwelling is a triple-wide or larger dwelling.

(b) The Office of Manufactured Dwelling Park Community Relations of the Housing and Community Services Department shall establish by rule a process to annually recalculate the amounts described in paragraph (a) of this subsection to reflect inflation.

(2) Notwithstanding subsection (1) of this section, if a landlord closes a manufactured dwelling park under this section as a result of converting the park to a subdivision under ORS 92.830 to 92.845, the landlord:

(a) May terminate a rental agreement by giving the tenant not less than 180 days' notice in writing before the date designated in the notice for termination.

(b) Is not required to make a payment under subsection (1) of this section to a tenant who:

(A) Buys the space or lot on which the tenant's manufactured dwelling is located and does not move the dwelling; or

(B) Sells the manufactured dwelling to a person who buys the space or lot.

(3) A notice given under subsection (1) or (2) of this section shall, at a minimum:

(a) State that the landlord is closing the park, or a portion of the park, and converting the land or leasehold to a different use;

(b) Designate the date of closure; and

(c) Include the tax notice described in ORS 90.650.

(4) Except as provided in subsections (2) and (5) of this section, the landlord must pay a tenant the full amount required under subsection (1) of this section regardless of whether the tenant relocates or abandons the manufactured dwelling. The landlord shall pay at least one-half of the payment amount to the tenant within seven days after receiving from the tenant the notice described in subsection (5)(a) of this section. The landlord shall pay the remaining amount no later than seven days after the tenant ceases to occupy the space.

(5) Notwithstanding subsection (1) of this section:

(a) A landlord is not required to make a payment to a tenant as provided in subsection (1) of this section unless the tenant gives the landlord not less than 30 days' and not more than 60 days' written notice of the date within the 365-day period on which the tenant will cease tenancy, whether by relocation or abandonment of the manufactured dwelling.

(b) If the manufactured dwelling is abandoned:

(A) The landlord may condition the payment required by subsection (1) of this section upon the tenant waiving any right to receive payment under ORS 90.425 or 90.675.

(B) The landlord may not charge the tenant to store, sell or dispose of the abandoned manufactured dwelling.

(6)(a) A landlord may not charge a tenant any penalty, fee or unaccrued rent for moving out of the manufactured dwelling park prior to the end of the 365-day notice period.

(b) A landlord may charge a tenant for rent for any period during which the tenant occupies the space and may deduct from the payment amount required by subsection (1) of this section any unpaid moneys owed by the tenant to the landlord.

(7) A landlord may not increase the rent for a manufactured dwelling park space after giving a notice of termination under this section to the tenant of the space.

(8) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

(9) If a landlord is required to close a manufactured dwelling park by the exercise of eminent domain or by order of a federal, state or local agency, the landlord shall notify the park tenants no later than 15 days after the landlord receives notice of the exercise of eminent domain or of the agency order. The notice to the tenants shall be in writing, designate the date of closure, state the reason for the closure, describe any government relocation benefits known by the landlord to be available to the tenants and comply with any additional content requirements under ORS 90.650.

(10) The Office of Manufactured Dwelling Park Community Relations shall adopt rules establishing a sample form for the notice described in subsection (3) of this section.

90.650 Notice of tax provisions to tenants of closing manufactured dwelling park; rules.

(1) If a manufactured dwelling park or a portion of a manufactured dwelling park is closed, resulting in the termination of the rental agreement between the landlord of the park and a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord shall provide notice to the tenant of the tax credit provided under section 17, chapter 906, Oregon Laws 2007. The notice shall state the eligibility requirements for the credit, information on how to apply for the credit and any other information required by the Office of Manufactured Dwelling Park Community Relations or the Department of Revenue by rule. The notice shall also state that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

(2) The office shall adopt rules establishing a sample form for the notice described in this section and the notice described in ORS 90.645 (3).

(3) The department, in consultation with the office, shall adopt rules establishing a sample form and explanation for the property tax assessment appeal.

(4) The office may adopt rules to administer this section. [Formerly 90.635; 2011 c.83 §2]

Note: The amendments to 90.650 by section 7a, chapter 906, Oregon Laws 2007, become operative January 1, 2020. See section 7b, chapter 906, Oregon Laws 2007, as amended by section 3, chapter 83, Oregon Laws 2011, and section 35, chapter 750, Oregon Laws 2013. The text that is operative on and after January 1, 2020, is set forth for the user's convenience.

90.650. (1) If a manufactured dwelling park or a portion of a manufactured dwelling park is closed, resulting in the termination of the rental agreement between the landlord of the park and

a tenant renting space for a manufactured dwelling, whether because of the exercise of eminent domain, by order of a federal, state or local agency or as provided under ORS 90.645 (1), the landlord shall provide notice to the tenant that the closure may allow the taxpayer to appeal the property tax assessment on the manufactured dwelling.

(2) The Department of Revenue, in consultation with the Office of Manufactured Dwelling Park Community Relations, shall adopt rules establishing a sample form and explanation for the property tax assessment appeal.

(3) The office may adopt rules to administer this section.

Note: 90.650 (4) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 90 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

90.655 Park closure notice to nontenants; report of tenant reactions.

(1) A landlord that gives a notice of termination under ORS 90.645 shall, at the same time, send one copy of the notice to the Office of Manufactured Dwelling Park Community Relations by first class mail. The landlord shall, at the same time, send a copy of the notice, both by first class mail and by certified mail with return receipt requested, for each affected manufactured dwelling, to any person:

(a) That is not a tenant; and

(b) (A) That the landlord actually knows to be an owner of the manufactured dwelling; or

(B) That has a lien recorded in the title or ownership document records for the manufactured dwelling.

(2) A landlord that terminates rental agreements for manufactured dwelling park spaces under ORS 90.645 shall, no later than 60 days after the manufactured dwelling park or portion of the park closes, report to the office:

(a) The number of dwelling unit owners who moved their dwelling units out of the park; and

(b) The number of dwelling unit owners who abandoned their dwelling units at the park.

[2007 c.906 §3]

90.660 Local regulation of park closures. A local government may not enforce an ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures adopted by the local government on or after July 1, 2007, or amended on or after January 1, 2010. An ordinance, rule or other local law regulating manufactured dwelling park closures or partial closures may not be applied to reduce the rights provided to a park tenant under ORS 90.645 or 90.655. [2007 c.906 §4; 2009 c.575 §1]



American Planning Association
Planning Advisory Service
Creating Great Communities for All

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PAS MEMO

Preserving Manufactured Home Communities

By Crystal Launder

Steam curls up from your coffee mug as you contemplate your use table. *Is a Use Review required to establish a cold storage locker in the Downtown-5 District?*

Your supervisor arrives at your door in an animated state. “Do you have a minute?”

The previous night, she explains, residents of one of the mobile home parks in your municipality filled council chambers beyond capacity. For a full hour and a half, one after another spoke at public comment, pleading for help. The owner of their community wants to redevelop it into luxury townhomes. It made the front page of the paper. Council has asked staff to explore it.

You are to be the lead on this project.

This scenario and others like it are happening in communities across America as a variety of factors increasingly threaten the continuance of manufactured home communities (MHCs), or mobile home parks as they are more commonly called (Figure 1). Does your community have a plan around its MHCs? Or will you be starting from zero when a threat to a MHC in your community arises?



Figure 1. Manufactured housing communities are an affordable home ownership option increasingly threatened in many jurisdictions. Photo by Flickr user ddatch (CC BY-NC-SA 2.0).

The City of Boulder, Colorado, has been responding with policy to the various threats to MHCs in the community for nearly three and a half decades. This *PAS Memo* provides an overview of mobile and manufactured housing, including the value it offers residents and the broader community and the risks it is subject to, and it examines the various solutions that have been pursued in Boulder and elsewhere.

A Brief History of Manufactured Home Communities in America

The history of factory-built, towable housing is useful for understanding the vulnerability of today’s MHCs. In the 1920s, as automobiles and highways became more widely available, travel trailers emerged for recreation. The Depression Era saw the first travel trailer settlements, occupied by itinerant laborers. Over time, these communities gained permanence.

Public concerns over these early “trailer parks” led municipalities across the country to pass exclusionary zoning and ordinances either disallowing permanent dwelling in camp trailers or restricting them to the least desirable locations within a given community in nonresidential districts (Sullivan 2018).

During World War II, however, the federal government promoted the use of travel trailers by war workers. And as the war ended, GIs returned to a nation in a housing shortage. Policymakers, would-be homeowners, and travel trailer manufacturers at this time all treated mobile homes as a legitimate alternative to site-built housing. As a result of this demand, regulations were loosened to enable wider and more livable—and less easily towable—homes (APA 1950). While MHCs in the 1950s and 1960s increasingly included amenities such as paved streets, laundry, and underground electrical lines, some were far more substandard, as described in a [1956 PAS Report](#): “This overcrowded camp is unlandscaped, a sea of mud in the spring and fall, and has no play space for children” (APA 1956).

In the mid-1950s the median income of mobile home owners was documented as being somewhat higher than the median for the nation (APA 1956), and mainstream acceptance for this housing option appears to have continued. Under Richard Nixon,

A Note on Terminology: Mobile, Manufactured, or Modular?

The terms *mobile*, *manufactured*, and *modular* are commonly used interchangeably. However, each refers to a different housing type (Figure 2).

Mobile home is the term that applies to factory-built housing fabricated prior to June 15, 1976. Most, but not all, adheres to American National Standards Institute (ANSI) standards.

Manufactured housing refers to factory-built units constructed on or after June 15, 1976, and subject to safety and construction standards established by the U.S. Department of Housing and Urban Development (HUD).

Modular homes are constructed to the same state, local, or regional building codes as site-built homes. Unlike mobile and manufactured homes, which sit on chassis, modular homes are built on permanent foundations.

All three are discussed in this *Memo*.



Figure 2. Mobile (top), manufactured (middle), and modular (bottom) housing. Photo at top by Flickr user BEV Norton (CC BY-NC-ND 2.0). Middle and bottom photos courtesy City of Boulder.



mobile homes were first included in the count of the nation's housing stock and in 1976, formerly "mobile" homes became known as "manufactured homes" subject to the U.S. Department of Housing and Urban Development's construction safety standards. The 1980s brought an uptick of manufactured home sales as funding for the nation's affordable housing programs was simultaneously reduced and privatized (Sullivan 2018).

The high point for sales of manufactured homes in the United States was 1973, which saw more than half a million shipments of new manufactured homes (U.S. Census 2019). In 2008, during the Great Recession, annual manufactured home shipments dipped to an all-time low of just 49,800; they have since risen to 94,600 shipments in 2019 (Figure 3). Nationally, manufactured housing represents about four percent of housing in metropolitan statistical areas (Prosperity Now 2018). Nine percent of the nation's manufactured housing is located in central cities and 47 percent in suburbs.

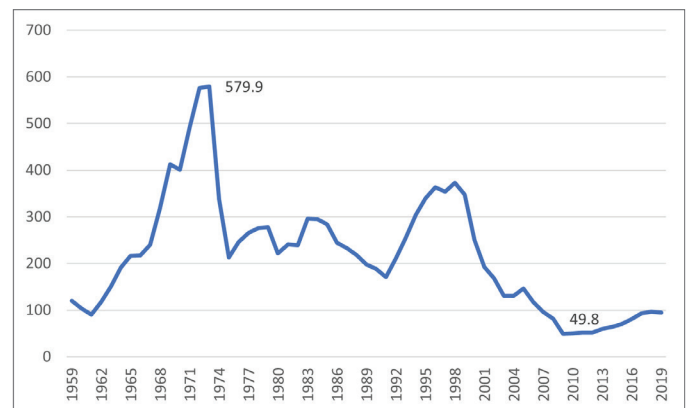


Figure 3. Annual manufactured housing shipments in the United States (in thousands), 1959 to 2019 (U.S. Census Bureau 2019).

Today's MHCs

Today there are approximately 45,000 MHCs in the United States (U.S. DHS 2018), as shown in Figure 4, p.3).

In a typical MHC, residents own their homes but rent their home sites or pads from the community owner and are subject to land leases. While divided asset ownership is the factor that makes manufactured home ownership significantly less expensive than ownership of other housing, this arrangement results in less housing security for owners of manufactured homes relative to other homeowners. This introduces a dynamic of diverging interests between the manufactured home owner and the land owner. A common source of tension between land owners and home owners is split motives of affordability and profit.

The Benefits of Manufactured Housing and MHCs

Manufactured housing is often both desirable and beneficial to owners, and upmarket communities are increasingly aware of the value they derive from this relatively affordable housing stock.

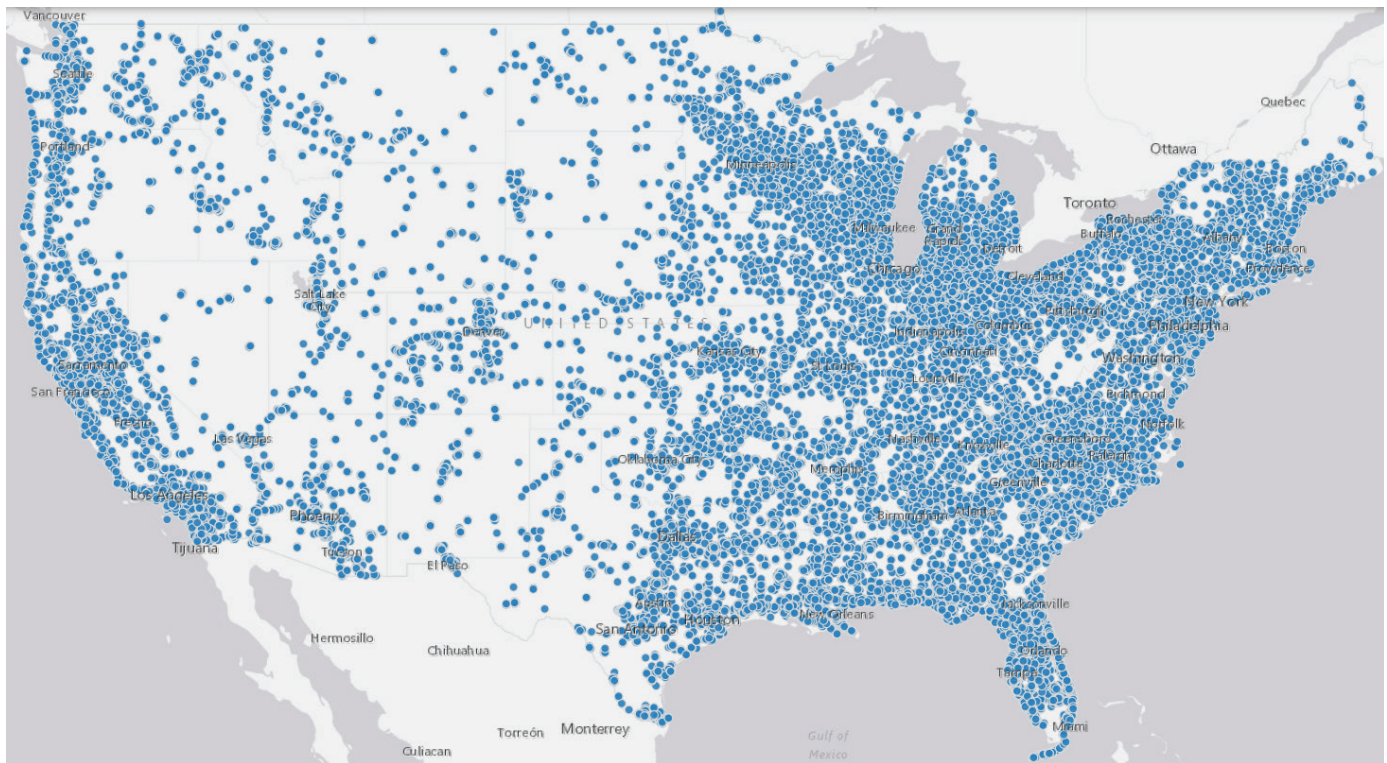


Figure 4. Manufactured home communities in the United States (U.S. DHS 2018).

Value of housing type to homeowners. Manufactured home owners value their homes because they are affordable, detached, include some private yard space, and are easier to maintain than a traditional single-family home. The one-story floorplan accommodates mobility challenges and enables aging in place. Residents appreciate the sense of community they experience in MHCs. And, as is the case for owners of site-built housing, manufactured homes are often the single biggest asset of owners.

Housing ambitions of manufactured home owners. People become manufactured home owners for a variety of reasons. For some, manufactured home ownership is a step toward owning a traditional stick-built home. Others purchase a manufactured home intending to remain in that community throughout their lives. A third common category of MHC inhabitant is retirees seeking to downsize, reduce maintenance, and live within limited retirement incomes. A final category of manufactured home owner is the individual who purchases a manufactured home as a form of housing of last resort, whether for income, credit history, felony record, documentation status, or other reasons.

Contribution to communities. In upmarket communities—such as Boulder, Colorado—MHCs offer some of the only homeownership opportunities available to low-to-moderate income households underserved by the traditional homeownership market. They also can serve as critical sources of housing for a workforce that may not otherwise afford to live near work. And finally, MHCs can be pockets of diversity in upmarket communities (Fluri 2019).

Challenges to Manufactured Housing and MHCs

Despite the desirability of manufactured housing for many homeowners and the contribution of this unsubsidized affordable housing stock to communities, a variety of factors threaten MHCs with transformation or loss. Though some new MHCs continue to be established in some regions, anecdotally, loss is the bigger trend.

Vulnerability to natural disaster. The Department of Homeland Security describes those living in MHCs as “the most vulnerable residential population to hurricanes, tornadoes, flooding and other natural disasters” (Data.gov 2019). Many of these communities were established as temporary responses to housing shortage conditions in the 1940s and 1950s (APA 1950, 1956). This legacy continued into the 1960s and 1970s, with many MHCs established on the least desirable, often hazard-prone land.

Today, as the cycle of natural disasters becomes more severe and sea levels rise, many of these communities are even more imperiled. A 2013 rain and flood event led to the loss of 273 mobile homes in three Colorado municipalities (Figure 5, p.4; Brown and Simpson 2019). In 1994, after the Category 5 Hurricane Andrew destroyed 730,000 homes and buildings in Florida and Louisiana, HUD established a wind zone system requiring manufactured homes to be constructed to different wind load capacities for different regions of the country (HomeFirst 2015).

Growth and rising land values. In upmarket regions, urban growth and increased land values are a growing cause of community closures. Nationally, many MHCs are located in



Figure 5. September 2013 flooding of the St. Vrain Creek in the Confluence MHC in Lyons, Colorado. Photo courtesy C. Chrystal DeCoster, Lyons, CO.

nonresidential zones (Sullivan 2018). Many others are zoned medium density or higher, enabling new high-end housing to replace the existing communities. In a 2016 high-profile redevelopment closure in Aurora, Colorado, 100 households lost their homes to a new transit-oriented development (Long 2018).

Underinvestment in infrastructure. Another threat to many older MHCs is chronic underinvestment in infrastructure maintenance and replacement. The infrastructure in many of these communities was installed from the 1950s to the 1970s, and these sewer and water systems are often now at or beyond their anticipated useful life.

Water and sewer leaks in older MHCs with original infrastructure are often routine, which can increase water bills, interrupt water service, and cause sewer backups. Additionally, gas and sewer infrastructure may be shallowly buried, increasing the risk of damage and disruption. Infrastructure failure threatens the long-term viability of these communities.

Rising pad rents. MHCs are part of the broader housing spectrum. Nationally, the shortage of affordable housing is a common challenge in upmarket economies. MHCs, as part of the housing spectrum, are seeing pad rent increases as well. Additionally, as “mom and pop” operators retire, the industry is professionalizing with the entrance of investment firms.

This transition has been marked in the Denver metropolitan area, where investor-owned firms have purchased local MHCs and increased rents. Monthly pad rents in the Boulder area were in the \$500s to low \$600s in 2015, but home owners now pay pad rents over \$800. In most communities, utilities are separate from rent, and many homeowners have monthly loan payments on their manufactured homes. Older homeowners on fixed incomes often struggle the most to respond to these trends. To afford rent increases, some rely on public subsidies

while others take on a roommate. In the worst cases, basic needs go unmet or the household must sell and move out.

Home replacement challenges. Several cost factors make it difficult for homeowners to consider replacing their older-model homes with newer, safer, more energy-efficient ones. Homeowners are responsible for hauling away and disposing of—or arranging for on-site deconstruction of—their older homes. Costs are in the thousands to tens of thousands of dollars depending on factors such as asbestos mitigation and home condition. Homeowners often cannot afford to purchase a newer home outright so must secure a chattel loan.

Manufactured homes are treated as chattel or personal property because they are considered movable. Interest rates for chattel loans in MHCs are approximately double those of mortgage loans and have 10- and 15-year loan terms. More than two-thirds of manufactured home loans reported under the Home Mortgage Disclosure Act in 2012 qualified as “higher-priced mortgage loans” (HPML), a category of subprime loan (Consumer Finance Protection Bureau 2014).

In 2016, the Federal Housing Finance Agency issued a [Duty to Serve notification](#) to Fannie Mae and Freddie Mac to better serve the manufactured housing market “by improving the distribution and availability of mortgage financing in a safe and sound manner” (FHFA 2016). Aligned with this intent, in Colorado, somewhat lower interest rates are being offered by Community Development Finance Institution (CDFI) Impact Development Partners.

Housing safety and quality. As noted earlier, HUD enacted design and construction safety standards in 1976. These standards introduced flame spread ratings for surfaces near central heat, water heaters, and cooking ranges. Electrical distribution and lighting equipment is another major cause of fire death in these

older homes. Between 2007 and 2011, death rates in post-HUD-standard manufactured homes were 57 percent lower than those for pre-HUD-standard manufactured homes (Hall 2013).

On average, manufactured home owners spend twice as much per square foot on energy costs compared with single-family homeowners (Ungar 2016). While jurisdictions have increased energy efficiency requirements, manufactured homes are still subject to energy efficiency requirements established more than 25 years ago. However, some manufacturers are voluntarily producing ENERGY STAR-rated homes, which can save homeowners between 24 and 29 percent of annual heating and cooling costs (Prosperity Now 2017).

Management practices. A final area of challenge in MHCs is management practices. These can include hiring of predatory towing companies, uneven enforcement of regulations, lack of a local manager, neglecting or charging homeowners for maintenance of trees (which can fall and damage homes), and retaliatory actions against residents. Some states are taking action in these areas. The State of Colorado established a [Mobile Home Park Act Dispute Resolution and Enforcement Program](#) in 2019, which commenced full operation in May 2020. A [similar program](#) has seen success in Washington State.

Manufactured Housing Preservation in Boulder

Boulder's five MHCs are home to around 1,350 manufactured homes, representing 2.9 percent of the community's housing stock. Vacancy in these communities is perennially near zero as they are of some of the last relatively affordable market-rate housing in and near Boulder. Recognizing both the beneficial role of these communities in the broader community and the risk of redevelopment, Boulder was one of the earliest communities in the country to establish preservation zoning for MHCs.

To understand Boulder's commitment to preserve manufactured housing in the community, it is helpful to understand the local context. For decades, Boulder has benefitted from strong local and regional economic sectors, anchor institutions, and significant natural amenities. Yet for over half a century, growth in Boulder has been constrained by land conservation measures such as the Blue Line, a boundary beyond which city water may not extend, and an open space tax to set aside conservation land. The first Boulder Valley Comprehensive Plan was adopted in 1978, directing growth into developed areas such as the City of Boulder while preserving the rural character of unincorporated Boulder County. In such a high-demand, growth-constrained environment, the merits of every land use are scrutinized, and officials recognize MHCs as a market-rate source of affordable homeownership.

The rest of this section offers overviews of policy approaches pursued in Boulder over the past three-and-a-half decades to preserve manufactured housing and MHCs.

Zoning. As mentioned above, in 1985, to address redevelopment risk, the city established a Mobile Home (MH) zone for MHCs ([§9-5-2, Boulder Revised Code, 1981](#)). MH zoning is a form of preservation zoning insofar as that it eliminates the possibility of other uses unless city leaders approve a zoning change.

Land use. The 2000 major update to the Boulder Valley Comprehensive Plan introduced a Manufactured Housing (MH) land-use designation "signal[ling] the city's intent to preserve affordable housing provided by the existing mobile home parks" (Boulder n.d., "Ponderosa History"). This designation also created consistency between county land-use and zoning maps.

Comprehensive plan policy. That same comprehensive plan update also introduced a new manufactured housing policy within the Housing section with the intent to "provide a policy basis for protecting and preserving a uniquely vulnerable type of existing low income housing." The current iteration of that policy reads as follows:

7.08 Preservation and Development of Manufactured Housing

Recognizing the importance of manufactured housing as an option for many households, the city and county will encourage the preservation of existing mobile home parks and the development of new manufactured home parks, including increasing opportunities for resident-owned parks. If an existing mobile home park is found to have health or safety issues, every reasonable effort will be made to reduce or eliminate the issues, when feasible, or to help mitigate for the loss of housing through re-housing of affected households.

Local regulations. Local regulation of MHCs is defined in [Chapter 10-12. Mobile Homes \(B.R.C., 1981\)](#). This chapter of the Boulder Revised Code addresses construction, location, installation, use, and maintenance of mobile homes in MHCs. However, in areas where the state Mobile Home Park Act (Colorado Revised Statutes (C.R.S.) [§38-12-200.1 et seq.](#)) is silent, the city passed ordinances in 2015 ([Ordinance No. 8043](#)) and 2017 ([Ordinance No. 8216](#)) introducing new resident protections and means of enforcement. These ordinances address limitations on park owners' and other parties' abilities to prohibit the sale of mobile homes constructed prior to establishment of HUD safety standards, limitations on required upgrades to existing mobile homes, assigning responsibility for tree maintenance to park owners and their agents, residents' right to privacy, the prohibition of retaliation by park owners against mobile home owners, and mandatory dispute mediation ([§10-12-25-30](#)).

Park purchases. Though the City of Boulder does not typically own housing, it has, in two instances, purchased MHCs to advance city policies. The first instance was Mapleton Mobile Home Park, purchased in the mid-1990s to address flood safety issues, and the second was the Ponderosa Mobile Home Park, purchased in 2017 to address failing infrastructure.

Mapleton Mobile Home Park

In 1996, the city purchased Mapleton Mobile Home Park (Figure 6, p.6) with \$3.5 million of its Stormwater and Flood Control Utility Fund, funded by utility charges, to facilitate planned flood improvements to the adjacent Goose Creek,



Figure 6. Mapleton Mobile Home Park. Courtesy City of Boulder.

resident ownership of Mapleton, and permanent affordability.

The lack of financing options for residents to subsequently purchase Mapleton from the city and to implement infrastructure improvements, along with concerns related to park management, led the city and resident nonprofit Mapleton Home Association (MHA) to approach affordable housing nonprofit Thistle Communities to purchase Mapleton.

In 2004, the city sold Mapleton to Thistle for \$2.96 million (with \$550,000 of city subsidy funds), retaining some land along Goose Creek for completion of flood mitigation work. MHA now leases Mapleton from Thistle and contracts with a third-party property management company to oversee management.

Of Mapleton's 135 lots, 120 are permanently affordable to households earning at or below 30 to 60 percent of the area median income. In 2007, the city provided \$884,000 in subsidy toward an estimated \$4.7 million of infrastructure improvements completed south of Goose Creek. Thistle and MHA were recently awarded Health Equity funds (a sweetened-beverage tax fund) that will cover water infrastructure and are working together to secure funding to support infrastructure improvements in Mapleton north of the creek.

Ponderosa Mobile Home Park

The Ponderosa Mobile Home Park (Figure 7) is a 68-lot community established in the mid-1950s. The community is located adjacent



Figure 7. Ponderosa Mobile Home Park. Courtesy City of Boulder.

to Fourmile Canyon Creek in the 100- and 500-year floodplains. Ponderosa's nearly 200 residents are primarily homeowners, the largest shares of which are Latino families in the workforce and older, retired non-Latino couples and individuals, some of whom are disabled. Until October 2019, Ponderosa was an unincorporated enclave of Boulder. In the late 1970s well water in the community was contaminated by upstream mining activity, so in the early 1980s Ponderosa was placed on an out-of-city utility permit for water and sewer service.

Infrastructure in the Ponderosa Mobile Home Park is well beyond its useful life. Water leaks spike water bills in the community and sewer backups are common. Roads are unpaved and there are no green spaces and few trees. Sand and gravel from unpaved streets regularly flow onto adjacent parcels.

After a major 2013 flood event in the region, which caused sheet flow flooding from Fourmile Canyon Creek to the north, infrastructure conditions worsened. In early 2014, the owners of Ponderosa approached the city about replacing its water and sewer infrastructure. With the aid of a Community Development Block Grant–Disaster Recovery (CDBG-DR) Resiliency Planning Grant, the city engaged the community owner and homeowners to seek a path forward and performed an infrastructure cost estimate.

The following goals and drivers for Ponderosa were informed by residents, the park owner, city staff, and council members:

- minimize disruption to residents
- minimize resident displacement
- improve resilience
- improve health and safety
- retain affordability
- create certainty for the future
- achieve annexation goals
- encourage long-term investment in property
- improve utility stability, reliability, and service
- leverage disaster recovery funding
- minimize costs, maximize investment

Ultimately, the owner did not pursue infrastructure replacement. In 2017, however, the city was able to negotiate purchase of Ponderosa using \$4.2 million in CDBG-DR funds. The following elements define the [Ponderosa Community Stabilization Program](#):

- Preservation of long-term affordability
- Annexation into the city
- Infrastructure replacement and upgrades
- Flood risk reduction
- Replacement of old mobile homes with energy-efficient, affordable modular fixed-foundation homes (primarily duplexes, with some single families, one triplex, and two fourplexes)
- 99-year renewable land leases
- New common amenities, including additional green spaces, community gardens, and a common house

- Once adequately stabilized, transfer of land to the housing authority or other affordable housing nonprofit

Meeting these goals, however, would be challenging. While all existing homes in Ponderosa meet flood protection elevation requirements, many do not meet adequate fire safety separations. While many are well maintained, others are in very poor condition. It will be challenging for residents in the poorest-condition homes to upgrade to new homes, as standard new manufactured homes are wider and longer than the footprints of most existing homes in Ponderosa and would likely require more expensive custom footprints and still not meet fire safety separations.

Without intervention, over time the number of homes in the community would decline and households with inadequate means and few options to remain in Boulder would likely experience deteriorating safety. If the city were to apply all code standards to Ponderosa through the annexation process and site plan review, however, many existing households would be displaced and fewer homes would be in the community than there are today.

Having identified these challenges, the city sought solutions through flexibility. In [Resolution No. 1217](#), adopted in October 2017, the city committed to minimizing displacement of residents, in part through employing extensive engagement. Flatirons Habitat for Humanity will offer deeply affordable homeownership and rental homes designed with community input. Phase I homes will be stick-built. Later phases are planned to be modular construction, which will advance energy efficiency while reducing construction impacts on the community. The city and Habitat are partnering to establish a modular construction facility.

Using local Affordable Housing Fund dollars, the city plans to fund household subsidies that will ensure homeownership is within reach for this predominantly extremely low income (below 30 percent AMI) community. A phased site plan allows residents to remain in their existing homes indefinitely; a [Memorandum in Lieu of Annexation Agreement](#) enables their continuance, side-by-side with stick-built housing, as a legally nonconforming use. New home construction will be driven by residents' choice and Habitat's capacity to build.

Action Steps for Planners

Though MHCs and the housing stock within them face complex challenges, they also present benefits to both home owners and the broader community. Planners should be prepared and critically consider what solutions make sense in their communities. The following list highlights a range of actions planners can take to help preserve MHCs.

Understand your MHCs. A first step is to establish an inventory of existing MHCs in your community and their potential issues. Assessor's data, census data, a historic review of permits, site visits, community surveys, and conversations with manufactured home owners can provide insight into the nature of local MHCs. Important questions to consider include the following:

- How many MHCs are there?
- How many manufactured homes are in each MHC?
- How many homes were built prior to 1976? How many are newer?
- Are the homes owned by the households that occupy them or by others? If so, who? Are they MHC-owned? Third-party owned?
- Are homes in the community well maintained? Are they appropriately spaced?
- What amenities exist in the community (e.g., clubhouse, laundry, tennis, swimming pool, etc.)? Are they well maintained?
- Are streets and roads well maintained?
- When was infrastructure installed? Has it been replaced? When do the materials reach end of useful life?
- Who lives in the MHCs (e.g., age, income, ethnicity, profession, household size)?

Engage residents. Often the best source of information is the residents themselves. Increasingly, cities are developing equitable engagement infrastructure. Equitable engagement varies from traditional engagement in that additional effort is understood to be necessary to bridge long-standing and varied barriers. MHCs often include many households who traditionally have fewer inroads to city resources and may be entirely unfamiliar with government. For example, in Ponderosa many home owners come from other countries and do not speak English; several cannot read or write; some have vision impairment; many do not have access to computers or cell phones; several have mobility challenges; and many work multiple jobs, have younger children, or carry an inherent distrust of government.

Trust must be built authentically through effort commensurate with the undertaking. Participation in a survey may benefit from going door-to-door with a trusted community member, interpretation support, and a monetary award for participation. Planning an intervention such as infrastructure replacement will require numerous community meetings with childcare and interpretation available, one-on-one meetings, and clear communications through media such as newsletters and community texting.

Develop a displacement plan. A next step for communities is often development of a plan for the event of MHC closures. For example, Fort Collins, Colorado, created its [Affordable Housing Redevelopment Displacement Mitigation Strategy](#) after several MHC closures in that community. This plan creates a detailed approach to relocation assistance (e.g., financial assistance, organizational partnering) for households while also suggesting policy next steps such as a local requirement that extends the notice period when an MHC will close or sell and creation of a designated MHC zone to discourage redevelopment. Another example comes from Chapel Hill, North Carolina, whose [Manufactured Home Strategy](#) is also heavily focused on relocation solutions when these communities close.

Establish manufactured housing preservation zoning and add policy language related to the comprehensive

plan. Zoning is one of the most important tools available to local government to prevent the redevelopment of MHCs into another use. If a community is committed to preserving manufactured housing, the first step to signaling this intent is to explore adoption of a manufactured housing preservation zone. Creating an MHC-specific zone disallows other uses where existing communities are located. Comprehensive planning policy provides additional opportunity for a community to articulate its vision for these communities.

In 2007, Snohomish County, Washington, adopted an ordinance establishing a [Mobile Home Park zone](#) to encourage the preservation of MHCs, and in 2009 it passed [two additional manufactured home park ordinances](#) strengthening zoning protections and enabling as many as 2,000 MHC residents to stay in their homes. Portland, Oregon, recently adopted a new [Manufactured Dwelling Park \(MPD\) zone](#) (\$33.251.010–030) to preserve MHCs and corresponding [comprehensive plan amendments](#) that introduce a Manufactured Dwelling Park definition.

Additional guidance on manufactured housing preservation policies is available in a [Manufactured Housing Toolkit](#) by Prosperity Now (n.d.), an organization focused on financial security, stability, and mobility for low-income households.

If an MHC is at imminent risk of closure, consider an emergency redevelopment moratorium. If a community is at imminent risk of closure, the local government can adopt a moratorium to buy time to explore or establish policy. Snohomish County adopted an [emergency conversion moratorium and interim zoning ordinance](#) to halt MHC conversions while it worked on its zoning updates. In 2018, the City of Aurora passed a moratorium to temporarily halt redevelopment of mobile home parks while a [task force](#) studied the lack of locally available affordable housing and developed recommendations to address the displacement of mobile home park residents due to closures, rezoning, and redevelopment (Mason 2018). In 2019, the City of Fort Collins passed a [moratorium](#) to provide staff with time to identify resident protections (Marmaduke 2019).

Develop a manufactured housing strategy. MHCs are complicated. They can be compromised by the divided asset structure that makes them affordable. In some communities, the housing is unsafe and in poor condition, infrastructure and common amenities suffer from chronic underinvestment, and management practices may be predatory. In others, however, homes are high quality, safe, and energy efficient, and communities are well run.

Development of a strategy specific to this housing type can help catalog challenges, identify solutions, and create the partnerships necessary to implement those solutions. Depending on the challenges in the manufactured home communities in your community, prospective partners could be lenders, housing authorities or other affordable housing partners, a [ROC USA](#) affiliate, community organizers and others who may have preexisting relationships with residents, emergency financial assistance providers, weatherization programs, legal clinics, and so forth. In Boulder, we have found

universities to be valuable partners for legal representation for MHC residents, demographic research, engagement, and programmatic support.

Boulder's [Manufactured Housing Strategy](#) identifies principles for intervention in manufactured home communities and lays out an action plan that addresses items such as infrastructure, utility billing, and rent increases.

Regulate. What issues are the MHCs in your community facing? Aggressive or negligent management practices? Infrastructure maintenance issues? Regulatory approaches can range from discrete code provisions to full licensing and enforcement programs, depending on the resources of the community. Here is a short list of common issues in manufactured home communities and potential solutions:

- *Rent increases.* This is the most common concern among MHC residents in the Denver metro area and likely in most upmarket communities. Some areas allow rent control or stabilization, others do not. Local pad rent stabilization requirements may be pursued in states that do not have rent control restrictions; otherwise, state legislative efforts will be necessary.
- *Retaliation.* Retaliation is a common issue reported by residents. Several communities in the Denver metro area have adopted antiretaliation requirements.
- *Communication.* Often non-English-speaking tenants are asked to sign leases they cannot read. Municipalities can require that leases are made available in the second dominant language of the MHC.
- *Rules and regulations.* In addition to complaints about uneven enforcement of rules, which in Colorado is regulated at the state level, we often hear that rules and regulations are changed often and the full set of rules and regulations is not available to view. Requiring posting of rules and regulations in a common area can address this issue.
- *Utility billing issues.* Increasingly, utility costs in MHCs are charged to residents separately from rent. Even in communities where water is sub-metered, residents may still be asked to pay for common area watering. Residents may not know how the utility bill is divided, be concerned about retaliatory billing, and worry that they are paying for infrastructure leaks. Transparency requirements can help address these concerns.
- *Infrastructure failure.* In 2018, one MHC in Boulder had a water outage that lasted off and on for six days. As a result, city staff will be pursuing the following approaches:
 - Identifying a program for local performance standards for MHC infrastructure
 - Requiring MHC owners to compensate residents if utilities were not provided for an extended time period
 - Identifying barriers, such as city standards, to infrastructure replacement and considering leniency
 - Requiring communities to make available to city

- staff infrastructure maps, and maintenance and replacement plans
 - Considering incentives to encourage infrastructure replacement
- *Pre-1976 (pre-HUD standard) homes.* For a variety of reasons ranging from safety data to aesthetics, it is common industry practice to disallow homeowners from selling pre-HUD homes. As noted earlier, a mobile home is likely a homeowner's single largest investment, so this practice can be financially devastating. At the local or state level, prohibitions can be passed on disallowing the sale of these homes. In Boulder this was coupled with an inspection requirement so that the next home owner is on notice of any issues.
- *Tree maintenance.* Trees are a common area of contention in mobile home parks. Regulations can clarify which party is responsible for tree maintenance and the cost thereof.

Support manufactured home owners. From mobile home repair programs to assistance navigating city services, there are a variety of ways municipalities can support manufactured home owners.

In Boulder, the city's [mobile home park resources webpage](#) provides links to helpful resources for MHC residents, including MHC-specific neighborhood grant and neighborhood block party opportunities, MHC FAQs, policies, the Manufactured Housing Strategy, the home inspection form, an MHC homeowners handbook, and more.

Support park owners. Many of the approaches discussed thus far focus on regulating MHC owners to protect community residents, but it is also important to offer resources to these entities as well. Incentive programs can be helpful, particularly to promote maintenance and replacement of infrastructure. Monetary incentives can facilitate infrastructure replacement, while code flexibility can make reinvestment in these communities more affordable and may be critical to ensuring that infrastructure replacement is possible without the loss of home sites. Infrastructure incentives can also enable jurisdictions to negotiate stabilized rents or other outcomes.

Information on a range of approaches to manufactured housing infrastructure maintenance, along with other MHC preservation strategies, can be found in a [mobile home park infrastructure study](#) prepared for Boulder (Bauer, Sorce, and Sullivan 2016).

Conclusion

Around the country, manufactured housing communities are increasingly at risk of closure as communities age, up-market communities grow and experience housing shortages, and the nature of community owners transitions from "mom and pop" operators to multinational corporations. These factors put these communities at risk of closure and redevelopment. Long-time manufactured home owners in many up-market regions are also experiencing increasingly unaffordable pad rents.

In the past, local governments often avoided intervention

in MHCs due to complexity of issues in these communities and because the per square foot value of investment in stabilizing these communities compared unfavorably with newly built affordable apartments. As land values and construction costs rise, MHCs are comparing more favorably. Additionally, loss of these communities is increasingly understood to be a social justice and equity problem.

Many tools are now available to preserve and improve these communities. Planners should proactively seek to understand the status of MHCs in the jurisdictions where they work and be prepared to protect and improve this affordable housing option for residents.

About the Author

Crystal Launder works for the City of Boulder's Department of Housing and Human Services as a housing planner. Her work focuses on housing policy, most recently concentrating on manufactured housing issues. She is the project manager for the Ponderosa Community Stabilization Project, which seeks to stabilize a manufactured home community with failing infrastructure while minimizing displacement. She also helped develop the city's first Manufactured Housing Strategy and is overseeing implementation of its Action Plan. Launder holds an undergraduate degree in sociology and psychology from Middlebury College and a Master of Regional Planning degree from Cornell University.

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CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: October 5, 2020
SUBJECT: Housing Affordability

ISSUE

Upon a motion from Councilor Hook, the City Council on March 2 requested that staff conduct some research on how other cities in Oregon similar to Stayton's population have defined affordable housing and what policies they have adopted around the issue of housing affordability. This staff report was drafted in March and April, but not placed on the Council agenda until this time.

BACKGROUND INFORMATION

Oregon's land use planning statutes establishes a number of Statewide Planning Goals that all units of local government must meet in the preparation of their Comprehensive Plans and land use regulations. Statewide Planning Goal 10 is to provide for the housing needs of citizens of the state. The Goal, guidelines, and administrative rules adopted to implement the goal require local governments to include in their plans a comparison of the distribution of the existing population by income with the distribution of available housing units by cost and insure the provision of appropriate types and amounts of land within the urban growth boundary necessary and suitable for housing that meets the needs of households of all income levels.

Stayton has complied with Goal 10 by the inclusion of Chapter 6 in our 2013 Comprehensive Plan. Chapter 6 has a discussion of the housing supply, housing costs, housing affordability, and a housing needs projection. It should be noted that the inventory information in the chapter was written in 2011 and early 2012, before the release of data from the 2010 Census and therefore is substantially based on data from the 2000 Census.

The Comprehensive Plan notes that "standards for housing affordability generally state that a household should not be spending more than 30% of its income on housing." The 2000 Census noted that 24% of households in "specified owner-occupied" housing units paid more than 30% of their income for housing costs. For households with a 1999 income of \$50,000 or less, 51% were paying more the 30% of their income for housing and 40% were paying more than 35%.

Chapter 6 includes the City's housing goals, policies and action steps. Policy HO-1 states that it is the City's policy to encourage development of housing that meets the needs of all income groups of existing and future residents. There are three action steps under this policy:

- assure an adequate supply of land in all residential zones;
- continue to allow manufactured homes on individual lots;
- continue to allow mobile home parks in the MD and HD zones.

An early draft of the chapter included an action step to provide a density bonus in master planned developments for providing for the inclusion of affordable housing. This was removed during discussion by the Advisory Committee.

Chapter 6 also includes an analysis of housing sales data. In 2010, there were 59 sales of single family homes, with a median sales price of \$195,000. The Comprehensive Plan noted, that with a 10% down payment, a 5% interest rate on a 30-year mortgage, and certain assumptions about taxes and utilities, a household with the median income for the city could afford a home priced at \$155,000. The Plan noted the median priced house was 1.25 times the price a household with the median income could afford.

Staff recently completed an analysis of 2019 sales, as reported by Marion County Assessor's office. Last year there were 137 single family homes sold in the City. The median sales price was \$309,900. The first quartile sales price was \$265,000 and the third quartile sales price was \$365,000, meaning half of the homes sold were between the two prices. The most recent report is that the median household income in Stayton has increased to \$57,269. Assuming a 10% down payment, a 30-year mortgage at 3.5%, \$100/month in utilities, and \$333/month in taxes, a household with the median income could afford a \$247,000 home. The median priced home remains 1.25 times the price a median income household can afford.

Starting with the 2010 Census, the Census Bureau no longer asked questions about housing and housing costs in the decennial census. Instead these questions are asked on an annual basis in a relatively small sample of the population in what is called the American Community Survey (ACS). While this gives us more frequent data, the small sample size increases the margin of error and decreases the reliability of the data. For communities of Stayton's size, the data that are published report a 5-year average of the survey results. The table below illustrates the difficulty in relying on Census data because of the sample size and provides the 2017 estimate and the 2018 estimate for the number of occupied housing units in the city and the distribution by the number of units in a structure. The published margin of error is also provided below.

	2017		2018	
Occupied housing units	2,768	+/-202	2,995	+/-228
UNITS IN STRUCTURE				
1, detached	1,812	+/-219	1,886	+/-250
1, attached	85	+/-61	30	+/-32
2 apartments	207	+/-115	177	+/-86
3 or 4 apartments	208	+/-106	227	+/-129
5 to 9 apartments	221	+/-152	218	+/-142
10 or more apartments	303	+/-167	282	+/-52
Mobile home or other type of housing	145	+/-78	175	+/-85

Stayton clearly didn't have 55 single family attached structures disappear between 2017 and 2018.

The most recent data available for Stayton are from the 2018 ACS and theoretically reflect the results of surveys taken from 2014 to 2018. The 2018 ACS reports the percentage of households paying more than 30% of income towards housing has increased to 31%. Among Owner-occupied households, the percentage is 20%, while 43% of renters are "rent burdened." According to the 2018 ACS, half the renting households in Stayton are paying between \$500 and \$999 in gross rent per month. With a median rent of \$847 per month.

In recent years, the Oregon Legislature has enacted several new laws addressing housing affordability. Several of these laws have affected local governments' planning and land use regulations. Among these laws are SB 1051 (2017) and HB 2001 and 2003 (2019). SB 1051 required Stayton and all cities larger than 2,500 to allow an accessory dwelling unit on a lot with a single family dwelling. Most of the provisions in HB 2001 and 2003 affect cities larger than 10,000 population or in the Portland Metro area. These cities are required to allow duplexes, triplexes, and 4-unit buildings in all zones that allow single family dwellings. Some cities are also required to update the Housing Needs Analysis in their comprehensive plan and also adopt a Housing Production Strategy. The rules for the completion of HNAs and HPSs are still being developed by the state. However, one provision in HB 2001 does apply to Stayton – our rules for accessory dwelling units may not require they be owner-occupied and may not require an additional off-street parking space.

ANALYSIS

As requested by the Council, staff has surveyed other cities in Oregon asking about their definition and policies regarding affordable housing. Requests were sent to the Oregon Planners Network list serve and the Oregon City Planning Directors Association list serve. Replies were requested from cities with a population between 5,000 and 15,000. Replies were received from two communities. I also heard from a consultant who has worked with several cities. The summaries below reflect that some of the cities are currently working on housing affordability issues and have draft policies not yet adopted.

Happy Valley (pop. 14,000) provides a density bonus incentive of up to a 25% increase in the number of dwellings permitted if 20% of the total number of dwelling units are for lower income households, or 10% of the total is for very low income households. Additional incentives are available as well, including waiver or reduction of fees and SDCs. Though not directly in Happy Valley's code, low income households are defined as household with an income of 80% of the median income for the area and very low income households are those with income of 50% of the median. Happy Valley's staff reports that although the incentives have been in their code for "at least 6-7 years," no one has applied to use them.

Pendleton (pop. 17,000) reports the city is currently working on developing policies. Their draft definition is that affordable housing is that with rent/mortgage expenses and utilities totaling less than 30% of the income of household making less than or equal to 80% of the county median family income. Their draft strategies set a target for net new housing units meeting

different affordability levels, identification of publicly owned property that could be made available, consideration of deferrals or waivers of SDCs, and examining utility rates.

Silverton (pop. 10,000) is also currently working on developing policies. The draft document before their Affordable Housing Task Force also assumes that housing costs should not exceed 30% of income and defines two target populations for addressing housing affordability: very low income at 50% of the Marion County median family income and low and middle income between 50% and 120% of the county median family income.

RECOMMENDATIONS

The Housing Needs Analysis in Stayton's Comprehensive Plan is approaching ten years old. Staff recommends that it be updated. In late 2018, the City Council appointed a Housing and Neighborhood Vitality Advisory Commission. That group could be involved in the updating Chapter 6. In addition to updating the data on housing supply and affordability, an updated chapter would likely include new policies and recommended action steps.

The provision of housing, and affordable housing, is tied to the annexation of land into the City. Currently, the zoning assigned to newly annexed land is determined by the City Council "in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan." However, while the Comprehensive Plan provides a projection regarding the mix of housing types in future, there is no real direction for the mix of zoning. Policy statements could be added to the comprehensive plan and the annexation criteria to provide more firm guidance to the City Council on how much land should be zoned into each of the three residential zones.

OPTIONS

The City Council is presented with the following options, which are not mutually exclusive.

- 1. Request staff work with the Housing and Neighborhood Vitality Advisory Commission to Update Chapter 6 of the Comprehensive Plan**
- 2. Request staff prepare a presentation on annexation policies**
- 3. Take no action**